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HOUSE BILL 560

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Thomas A. Garcia

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; REQUIRING PACKAGE SALES OF ALCOHOLIC BEVERAGES TO BE LIMITED TO CERTAIN AREAS OF A BUSINESS AND MINORS TO BE RESTRICTED FROM ENTERING THOSE AREAS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-6B-19 NMSA 1978 (being Laws 1993, Chapter 68, Section 36, as amended) is amended to read:

"60-6B-19. RETAILERS AND DISPENSERS--SEGREGATED SALES.--~~[TABLE WINES EXCEPTED.--~~

~~A. Except as provided in Subsection B of this section, the director shall by regulation develop procedures for segregated alcohol sales by every]~~ A retailer or dispenser who sells alcoholic beverages in unbroken packages for consumption and not for resale off the licensed premises and whose alcoholic beverage sales are less than sixty percent of

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1 ~~[their] the retailer's or dispenser's total sales [giving~~  
2 ~~serious consideration in the regulation process to the~~  
3 ~~potentially adverse impact of segregated sales on different~~  
4 ~~sizes of the establishments of the retailer or dispenser.~~

5 ~~B. There shall not be segregated sales of table~~  
6 ~~wine by retailers or dispensers who sell alcoholic beverages in~~  
7 ~~the manner described in Subsection A of this section.~~

8 ~~C. For purposes of this section, "table wine" means~~  
9 ~~wine containing fourteen percent or less alcohol by volume when~~  
10 ~~bottled or packaged by the manufacturer, but may also include:~~

11 ~~(1) wine that is sealed or capped by cork~~  
12 ~~closure and aged two years or more;~~

13 ~~(2) wine that contains more than fourteen~~  
14 ~~percent alcohol by volume produced solely as a result of the~~  
15 ~~natural fermentation process and not produced with the addition~~  
16 ~~of wine spirits, brandy or alcohol; or~~

17 ~~(3) vermouth and sherry.]~~ for the business at  
18 the licensed premises shall consolidate all alcoholic beverages  
19 in an alcoholic beverage display area located within a clearly  
20 designated and marked area of the licensed premises, segregated  
21 from the remaining areas of the store, subject to the following  
22 conditions:

23 A. the licensee shall rope off, chain off or cover  
24 the segregated area during hours or days when the sale of  
25 alcoholic beverages is prohibited so that alcoholic beverages

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1 cannot be obtained by customers;

2 B. the licensee shall prohibit minors, unless  
3 accompanied by a parent, a legal guardian or an adult spouse,  
4 from entering the segregated area and shall post signs reading  
5 "Liquor Department - No one under 21 unless accompanied by  
6 parent, legal guardian or adult spouse" conspicuously around  
7 the boundaries of the segregated area;

8 C. the licensee shall maintain a cash register only  
9 for alcoholic beverage sales in the segregated area and shall  
10 assign one employee for each work shift to make alcoholic  
11 beverage sales only from that cash register; and

12 D. the licensee shall file a floor plan with the  
13 department showing the segregated area within the licensed  
14 premises and shall notify the department of any changes within  
15 ten days of the change."

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